

Exhibit D

Volume 3

Pages 362 - 557

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Thomas S. Hixson, Magistrate Judge

LISAMARIA MARTINEZ,)	
)	
Plaintiff,)	
)	
VS.)	NO. 3:20-CV-06570 TSH
)	
COUNTY OF ALAMEDA,)	
)	
Defendant.)	
)	

San Francisco, California
Thursday, March 28, 2024

TRANSCRIPT OF JURY TRIAL PROCEEDINGS

APPEARANCES:

For Plaintiff:

TRE LEGAL PRACTICE
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(APPEARANCES CONTINUED ON FOLLOWING PAGE)

REPORTED BY: Ana Dub, RDR, RMR, CRR, CCRR, CRG, CCG
CSR No. 7445, Official United States Reporter

1 **APPEARANCES:** (CONTINUED)

2 For Defendant:

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4 6200 Stoneridge Mall Road, Suite 225
5 Pleasanton, California 945886 BY: **KEVIN E. GILBERT, ATTORNEY AT LAW**
7 **NICHOLAS D. FINE, ATTORNEY AT LAW**

8 Also Present:

9 **Lisamaria Martinez**
10 **Michelle Korosy, Paralegal**
11 **Matthew Yankee, County of Alameda**

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I N D E X

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CLARK, STEVEN

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CLARK - DIRECT / ELDER

1 you eventually compose some opinions in this case about the
2 usability of the FBNS wizard form with JAWS?

3 **A.** Yes.

4 **Q.** And what was your opinion about the usability of the -- at
5 that time in August of 2023, what was your opinion about the
6 usability of the FBNS wizard form with the JAWS screen reader?

7 **A.** Is there a copy of my report here that I could refer to?

8 **Q.** Would that help refresh your recollection?

9 **A.** Yes.

10 **MR. ELDER:** Your Honor, may I pass the witness a copy
11 of his expert report?

12 **THE COURT:** Yes.

13 **MR. ELDER:** Okay. Michelle?

14 **MS. KOROSY:** Yeah.

15 **THE WITNESS:** So what was your question again?

16 **BY MR. ELDER:**

17 **Q.** So did you come to an opinion about the usability of the
18 FBNS wizard form as how it worked with the JAWS screen reader?

19 **A.** I did.

20 **Q.** And what was that opinion?

21 **A.** I believe that the form could not be filled out
22 independently by what I would consider an average JAWS user;
23 that the form met -- just did not provide enough information in
24 certain places on the screen to be able to complete the form
25 and be sure that the information was correct before submitting

CLARK - DIRECT / ELDER

1 it.

2 Q. And in your evaluation of filling out the form and sort of
3 assessing it, did you have enough time to estimate the amount
4 of time that it might take to fill out the FBNS wizard form if
5 someone were sort of running a tandem session with JAWS and the
6 mouse?

7 So a sighted person using the mouse and a blind person
8 sort of controlling with the JAWS screen reader and the
9 back-and-forth, did you -- were you able to spend enough time
10 with this program to estimate about how much time it might take
11 if a blind and a sighted person were trying to fill out this
12 form in a combination of techniques between clicking the mouse
13 and using JAWS?

14 A. Yes.

15 Q. And --

16 A. Go ahead.

17 Q. Oh. And if you could estimate, about how much time do you
18 think it, you know, might take using that sort of tandem
19 process?

20 A. I think 10 to 15 minutes.

21 Q. Okay. And then after -- let's go back to the -- to the
22 Clerk-Recorder's Office.

23 After the form -- sorry. Was the form eventually
24 submitted through the FBNS form in the Clerk-Recorder's Office?

25 A. Yes.

Q. Okay. And were you working on the assumption that it would take about five minutes for, at least in her case, to complete an FBS form with a human transcriber at the check-in counter?

A. Yes.

Q. And then did you come to an opinion about how the process for a blind applicant to use the electronic FBNS form on the computer in the Clerk-Recorder's Office compared with the experience described by Ms. Greco?

A. Yes.

Q. And what was your opinion in that regard?

A. That the multiple steps in the process to provide access to that computer added several many minutes to the process of filling out the form and getting it submitted.

MR. ELDER: One second.

(Pause in proceedings.)

BY MR. ELDER:

Q. Mr. Clark, in coming to your opinions, do you feel you had sufficient information in which you were given to support your conclusions?

A. Yes.

MR. ELDER: Okay. We can turn the witness over,
or.

24 **THE COURT:** All right. Does the defense have any
25 questions for the witness?

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2 **CERTIFICATE OF REPORTER**
3

4 I certify that the foregoing is a correct transcript
5 from the record of proceedings in the above-entitled matter.
6

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8 DATE: Friday, March 29, 2024
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12 Ana Dub, RDR, RMR, CRR, CCRR, CRG, CCG
13 CSR No. 7445, Official United States Reporter
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